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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,263	06/29/2004	Le-Jen Wang	CHEP0033USA	4262
27765	7590	10/04/2006	EXAMINER	
NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION P.O. BOX 506 MERRIFIELD, VA 22116			MARINI, MATTHEW G	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/710,263	Applicant(s) WANG ET AL.	
	Examiner Matthew G. Marini	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-12 and 14-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-12 and 14-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 3, 6, 7, 9, 10, 11, 12, 15, 16, and 18, are rejected under 35 U.S.C. 102(b) as being anticipated by Kobayashi (JP 05138988 A).

With respect to claims 1 and 10, as shown in Figures 1 and 2, Kobayashi teaches a printer having a housing (shown generally at 1) having an access opening and a cover (shown generally at 28) for blocking the access opening of the printer, wherein the access opening is used from delivering a sheet of print paper as read in the machine translation of Kobayashi, paragraph 11, lines 23-35. Figures 5 and 6 show a motorized positioning apparatus (29, 30) coupled to the cover for controlling movement of the cover using gears 29. As outlined in the translated abstract, the positioning apparatus controls the cover to not block the access opening if the printer is printing.

With respect to claims 2 and 11 as shown in Figures ii 5, and 6, Kobayashi teaches the cover comprising a plate 28 for blocking the access opening, and a hinge (located at 21) coupled to the plate for allowing the plate to pivot away from the access opening.

With respect to claims 3 and 12, as shown in Figures 5 and 6, the positioning apparatus (22 or 29) drives the plate 28 to swing via the hinge (at 21) for controlling movement of the cover.

With respect to claims 6 and 15, Kobayashi teaches the claimed apparatus. Kobayashi teaches the positioning apparatus having a motor (see attached machine translation description of Drawing 6) for supplying a rotational motion, and a Scotch yoke (shown generally at 30, including slotted region at the bottom or arm 30) coupled to the motor for converting the rotational motion into a linear motion for moving the cover 28.

With respect to claim 7 and 16, Kobayashi teaches the self-positioning guard having an arm for 30 moving the cover; and a disc 29 coupled to the arm and the motor for transforming the rotational motion into the linear motion.

With respect to claims 9 and 18, as shown in Figures 3-6, the positioning guard is positioned inside the housing of the printer.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5, 10, 11, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Imaizumi (JP 01323750) in view of Kobayashi (JP 05138988 A).

With respect to claims 1 and 10, Imaizumi teaches as shown in Figure 6 Imaizumi teaches a printer having a housing (shown generally at 1) having an access opening and a cover (shown generally at 8) for blocking the access opening of the printer, wherein the access opening, 8, used for delivering a sheet of print paper, as seen in Fig. 6. However, Imaizumi does not teach a motorized positioning apparatus coupled to the cover, 9, for controlling movement of the cover wherein the positioning controls the cover to not block the access opening if the printer is printing.

Kobayashi teaches in Figures 5 and 6 a motorized positioning apparatus (29, 30) coupled to the cover for controlling movement of the cover using gears 29. As outlined in the translated abstract, the positioning apparatus controls the cover to not block the access opening if the printer is printing. It would be obvious to one of ordinary skill in the art at the time of invention to modify Imaizumi to include the motorized positioning apparatus (29 and 30) for controlling movement of the cover using gears 29 because allowing for the process to be automated, reducing the probability for the user to close the cover while printing causing a paper jam or damage to the printer itself.

With respect to claims 2 and 11 as shown in Figure 6, Imaizumi teaches the cover comprising a plate (shown generally at 9) for blocking the access opening, and a hinge (located at 13) coupled to the plate, which makes up cover 9, for allowing the plate to pivot away from the access opening, as seen in Figure 6.

With respect to claims 5 and 14, Yano teaches the claimed invention. As shown in Figure 6, the access opening is positioned on the housing and can be used as a paper-ejecting exit after the paper has been printed.

Claims 8 and 17 are rejected under 35 U.S.C 103(a) as being unpatentable over Tainer (US 6,249,299) in view of Kobayashi (JP 05138988 A).

As shown in Figure 1, Tainer teaches a dye diffusion thermal transfer printer. However, Tainer does not disclose the overall structure of the printer, as shown in Figures 1 and 2, Kobayashi teaches a printer having a housing (shown generally at 1) having an access opening and a cover (shown generally at 28) for blocking the access opening of the printer. Figures 5 and 6 show a positioning apparatus (29, 30) coupled to the cover for controlling movement of the cover. As outlined in the translated abstract, the positioning apparatus controls the cover to not block the access opening if the printer is printing. To one of ordinary skill in the art, it would have been obvious to have modify the overall printer structure as taught by Kobayashi, with dye diffusion thermal transfer printer of Tainer, for the benefit of releasing heat to the atmosphere as outlined in the translated abstract of Kobayashi.

Response to Arguments

Applicant's arguments filed 07/20/06 have been fully considered but they are not persuasive. As for the rejection of claims 1, 2, 3, 6, 7, 9, 10, 11, 12, 15, 16, and 18, under 35 U.S.C. 102(b) as being anticipated by Kobayashi (JP 05138988 A) in paragraph 11, lines 23-35 of the machine translation of Kobayashi, the access opening, generally seen as 28, is used from delivering a sheet of print paper as insofar as structure is defined in the claim. As seen in Figure 4, the cover 28, covers a portion of the ribbon cartridge, 18, which is found in the access opening of the printer, which after printing is used for the delivering the paper to 31.

Applicant's arguments with respect to claim 1, 2, 5, 10, 11, and 14 rejected under USC 102(b) as being anticipated by Yano (JP 2002301848) have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew G. Marini whose telephone number is (571)-272-2676. The examiner can normally be reached on Monday-Friday 8:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571)-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2854

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew Marini



09/27/06



REN YAN
PRIMARY EXAMINER